

IC 33-5-25

Chapter 25. Hendricks Superior Courts

IC 33-5-25-1

Establishment of courts; judicial eligibility

Note: The effective date of this section enacted under P.L.133-1992, SEC.90 was superseded by the effective date of this section enacted under P.L.173-1994, SEC.2.

Sec. 1. (a) There are established three (3) superior courts in and for the county of Hendricks, Indiana, each of which shall consist of one (1) judge, who shall hold his office for a term of six (6) years, beginning on the first day of January after his election, and until his successor is elected and qualified. Every six (6) years, the voters of Hendricks County shall elect at the general election a judge for each superior court.

(b) To be eligible to hold office as a judge of either court, a person must be:

- (1) a resident of Hendricks County;
- (2) under the age of seventy (70) years at the time he takes office;
- and
- (3) admitted to the bar of Indiana.

(Formerly: Acts 1963, c.247, s.1.) As amended by Acts 1976, P.L.133, SEC.16; Acts 1978, P.L.141, SEC.10; P.L.133-1992, SEC.24.

IC 33-5-25-2

Judicial districts; court of record; seals

Note: The effective date of this section enacted under P.L.133-1992, SEC.90 was superseded by the effective date of this section enacted under P.L.173-1994, SEC.2.

Sec. 2. The superior courts shall be known as Hendricks superior court No. 1, Hendricks superior court No. 2, and Hendricks superior court No. 3, and the county of Hendricks shall constitute the judicial district of each court. Each court shall be a court of record of general jurisdiction and shall have a seal containing the words "Hendricks Superior Court _____ (insert "No. 1", "No. 2", or "No. 3") of Hendricks County, Indiana."

(Formerly: Acts 1963, c.247, s.2.) As amended by Acts 1978, P.L.141, SEC.11; P.L.133-1992, SEC.25.

IC 33-5-25-3

Bailiffs and court reporters; compensation

Sec. 3. The judge of each Hendricks superior court shall appoint a bailiff and an official court reporter for his court, to serve as such during the pleasure of the court. Each judge shall fix their compensation within the limits and in the manner as may be provided by law concerning the bailiff and official court reporter of Hendricks circuit court. The compensation shall be paid monthly out of the treasury of Hendricks County in the manner provided by law.

(Formerly: Acts 1963, c.247, s.3.) As amended by Acts 1978, P.L.141, SEC.12; P.L.171-1984, SEC.36.

IC 33-5-25-4

Sessions of courts; courtrooms

Sec. 4. Each Hendricks Superior Court shall hold its sessions in the Hendricks County courthouse in the town of Danville, Indiana; and the board of county commissioners of Hendricks County shall provide and maintain in said courthouse a suitable and convenient courtroom for the holding of each court, with a suitable and convenient jury room and offices for the judge and the official court reporter, and the common council shall appropriate sufficient funds therefor.

(Formerly: Acts 1963, c.247, s.5.) As amended by Acts 1978, P.L.141, SEC.13.

IC 33-5-25-5

Jurisdiction

Sec. 5. (a) Each superior court in the county has original and concurrent jurisdiction with the circuit court in all civil actions and proceedings at law and in equity, and actions for dissolution or annulment of marriage, and in all criminal cases and proceedings, but none of the superior courts have the jurisdiction of a juvenile court.

(b) Each superior court in the county has original and concurrent jurisdiction with the circuit court in all appeals or reviews from boards of county commissioners or other executive or administrative agencies and all other appellate jurisdiction vested in the circuit court.

(Formerly: Acts 1963, c.247, s.6.) As amended by Acts 1978, P.L.141, SEC.14; P.L.33-1989, SEC.109; P.L.133-1992, SEC.26; P.L.51-2001, SEC.1; P.L.217-2001, SEC.15.

IC 33-5-25-6

Repealed

(Repealed by Acts 1978, P.L.141, SEC.26.)

IC 33-5-25-6.1

Repealed

(Repealed by P.L.167-1984, SEC.92.)

IC 33-5-25-7

Transfer of causes; consent of court

Note: The effective date of this section enacted under P.L.133-1992, SEC.90 was superseded by the effective date of this section enacted under P.L.173-1994, SEC.2.

Sec. 7. An action, cause, case, proceeding, or matter filed in the Hendricks circuit court or a superior court established by this chapter may be transferred by the court in which it is filed to either of the other courts by transferring all original papers filed, without further transcript thereof, with the consent of the court to which it is transferred.

(Formerly: Acts 1963, c.247, s.8.) As amended by Acts 1978, P.L.141, SEC.16; Acts 1979, P.L.31, SEC.14; P.L.133-1992, SEC.27.

IC 33-5-25-8

Repealed

(Repealed by P.L.51-2001, SEC.3.)

IC 33-5-25-9

Change of venue

Note: The effective date of this section enacted under P.L.133-1992, SEC.90 was superseded by the effective date of this section enacted under P.L.173-1994, SEC.2.

Sec. 9. (a) Change of venue from the judge or from the county may be had under the same terms, conditions, and procedure applicable to changes of venue from the judge or the county in circuit courts.

(b) If a cause is received by the clerk of the Hendricks circuit court on change of venue from another county, the same shall be docketed on a rotating basis and assigned alternately to the Hendricks circuit court, Hendricks superior court No. 1, Hendricks superior court No. 2, and Hendricks superior court No. 3 unless otherwise provided in the order or entry made in such cause in the county from which such change of venue was taken, in which case it shall be docketed as provided in such entry or order.

(Formerly: Acts 1963, c.247, s.10.) As amended by P.L.167-1984, SEC.53; P.L.133-1992, SEC.29.

IC 33-5-25-10

Force and effect of judgments and orders

Sec. 10. The judgments, decrees, orders, and proceedings of each superior court shall have the same force and effect as to causes, proceedings, and matters within its jurisdiction as those of the circuit court and shall be enforced in the same manner.

(Formerly: Acts 1963, c.247, s.11.) As amended by Acts 1978, P.L.141, SEC.18.

IC 33-5-25-11

Power and authority of judges

Sec. 11. (a) The judge of each superior court shall have the same power to grant restraining orders, injunctions and writs of ne exeat, to issue writs of habeas corpus, and of mandate and prohibition, to appoint receivers, master commissioners, and commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers and employees necessary to facilitate and transact the business of said court, as is conferred on circuit courts or the judges thereof.

(b) The judge of each superior court shall have full power and authority to make and adopt rules and regulations for continuing business of the court, not repugnant to the laws of the state of Indiana or the rules of the Supreme Court of the state of Indiana. Each judge shall have all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt, and the power to enforce his orders. Each judge shall have full authority to administer oaths, solemnize marriages, take and certify acknowledgments of deeds, and to give all necessary certificates for the authentication of records and proceedings of his court, and to make and execute certificates of qualification and moral character of persons petitioning

to be commissioned as notaries public.
(Formerly: Acts 1963, c.247, s.12.) As amended by Acts 1978, P.L.141, SEC.19.

IC 33-5-25-12

Powers of courts or judges

Sec. 12. (a) Each superior court shall have the power to issue and direct all process to corporations and individuals which shall be necessary in exercising the jurisdiction conferred and for the regular execution of this law, and to make all proper judgments, sentences, decrees, orders, and injunctions, and to issue all process and executions, and to do all such other acts as may be necessary to carry into effect the same in conformity with the laws of this state.

(b) The process of each superior court shall have the seal affixed, be attested, directed, served, returned, and be in form as is provided for process issuing from the circuit court.

(Formerly: Acts 1963, c.247, s.13.) As amended by Acts 1978, P.L.141, SEC.20.

IC 33-5-25-13

Repealed

(Repealed by Acts 1978, P.L.141, SEC.26.)

IC 33-5-25-14

Jury commissioners; selecting and summoning juries

Sec. 14. The jury commissioners appointed by the circuit court shall serve as the jury commissioners for each superior court in all things, conditions, and qualifications, and said jury commissioners shall prepare and draw the petit jury for each superior court as the law directs the same to be done for the circuit court. The judge of each court may order the selection and summoning of other jurors for his court whenever the same may be necessary, and if at any time a jury shall for any reason be not drawn, then the clerk shall select from among the properly qualified residents of such county a jury, who shall be summoned and considered in all things as the regular panel of the court.

(Formerly: Acts 1963, c.247, s.15.) As amended by Acts 1978, P.L.141, SEC.21.

IC 33-5-25-15

Repealed

(Repealed by P.L.171-1984, SEC.80.)

IC 33-5-25-16

Dockets; books and papers; records

Sec. 16. The clerk, under the direction of each judge, shall provide order-books, judgment dockets, execution dockets, fee-books, and such other books, papers and records as may be necessary for each superior court, and all books, papers, and proceedings of each court shall be kept distinct and separate from those of all other courts.

(Formerly: Acts 1963, c.247, s.17.) As amended by Acts 1978, P.L.141, SEC.23.

IC 33-5-25-17

Repealed

(Repealed by Acts 1979, P.L.31, SEC.18.)

IC 33-5-25-17.1

Grand jury; indictments

Sec. 17.1. The judge of each superior court shall not have authority to make an order requiring the clerk to issue a venire for a grand jury or to impanel a grand jury, but the grand jury impanelled by the judge of the Hendricks Circuit Court shall also act as the grand jury for each superior court, and such grand jury may return an indictment into the Hendricks Circuit Court or into a superior court as indictments are returned to the circuit court.

As added by Acts 1979, P.L.31, SEC.15.

IC 33-5-25-18

Small claims and misdemeanor division

Sec. 18. Each superior court has a standard small claims and misdemeanor division.

As added by P.L.167-1984, SEC.54. Amended by P.L.133-1992, SEC.30; P.L.51-2001, SEC.2.